

**BOARD OF PSYCHOLOGY**

1422 HOWE AVENUE, SUITE 22
SACRAMENTO, CA 95825-3200
(916) 263-2699
www.psychboard.ca.gov

**CERTIFIED MAIL**

Aimee N. Lubell, Ph.D.
4220 Rocklin Road, Suite 5-G
Rocklin, CA 95677

**RE: In the Matter of the Accusation Against:
AIMEE N. LUBELL; Case No. 1F 1999 95528**

Dear Dr. Lubell:

The California Board of Psychology hereby issues this formal letter of reprimand as part of the stipulated settlement entered into the record on January 8, 2002 before Administrative Law Judge Jaime Rene Roman regarding accusation number W-205 filed against you by the Board.

This letter of reprimand is based on your admission that you made errors in judgment in failing to maintain appropriate boundaries in your professional relationship with client L.L., specifically regarding L.L.'s involvement in preparing a brochure for you in connection with a U.C. Davis roundtable in April, 1997.

Your further agree to take a four hour class in ethics, preapproved by the Board, to be completed by January 15, 2003 in addition to the standard continuing education requirements for continued licensure.

The Board waives costs and shall dismiss accusation number W-205 upon your successful completion of the above-referenced ethics course.

A letter of reprimand is considered disciplinary action in California and, as such, shall be disclosed to the public upon request. Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Harmell'.

Pamela Harmell, Ph.D.
Vice-President

BEFORE THE BOARD OF PSYCHOLOGY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)
Filed Against:)

Aimee N. Lubell, Ph.D.)

No. W205


License No. PSY 14098)

Respondent)

ORDER DISMISSING ACCUSATION

Accusation number W205 is hereby dismissed.

DATED: March 25, 2003


THOMAS O'CONNOR
Executive Officer
Board of Psychology

1 BILL LOCKYER, Attorney General
of the State of California
2 GAIL M. HEPPELL
Supervising Deputy Attorney General
3 ROBERT C. MILLER
Deputy Attorney General
4 1300 I Street, Suite 1040-15
P.O. Box 944255
5 Sacramento, California 94244-2550
Telephone: (916) 324-5161
6

7 Attorneys for Complainant
8

9 **BEFORE THE**
10 **BOARD OF PSYCHOLOGY**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against: }

Case No. W205

13 **AIMEE N. LUBELL**
4220 Rocklin Road, Suite 5-G
14 Rocklin, CA 95677 }

AMENDED ACCUSATION

15 Psychology License No. PSY-14098,
16 Respondent.
17

18 Complainant alleges:

19 **PARTIES**

20 1. Thomas S. O'Connor ("Complainant") brings this accusation solely in his
21 official capacity as the Executive Officer of the Board of Psychology, Department of Consumer
22 Affairs.

23 2. On or about March 31, 1995, the Board of Psychology issued Psychology
24 License Number PSY-14098 to Aimee Newman Lubell, Ph.D. ("respondent"). The Psychology
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on March 31, 2002, unless renewed.

27 //

28 //

FILED
STATE OF CALIFORNIA
BOARD OF PSYCHOLOGY
SACRAMENTO April 6 2001
BY M. Jacobson ANALYST

JURISDICTION

3. This Accusation is brought before the Board of Psychology ("Board"), under the authority of the following sections of the Business and Professions Code ("Code").

4. Section 2961 of the Code provides in pertinent part that the Board may suspend, revoke or impose probationary terms and conditions on a license after a hearing as required by law.

5. Section 2960 of the Code provides in pertinent part:

The board may suspend or revoke the license of any licensee if the licensee has been guilty of unprofessional conduct. Unprofessional conduct shall include, but not be limited to:

(i) Violating any rule of professional conduct promulgated by the board and set forth in regulations duly adopted under this chapter.

(j) Being grossly negligent in the practice of her profession.

(k) Violating any of the provisions of this chapter or regulations duly adopted thereunder.

...

(n) Repeated acts of negligence.

6. Section 2964.6 of the Code provides in pertinent part that an administrative disciplinary decision that imposes terms of probation may include a requirement for payment of the Board's monetary costs associated with monitoring the probation.

7. Section 2936 of the Code provides in part that the Board shall apply the American Psychological Association's (APA) Code of Ethics as its standards of ethical conduct relating to the practice of psychology.

8. Section 125.3 of the Code provides in pertinent part that any order issued by the Board in resolution of a disciplinary proceeding may contain a request for a licensee found to have violated the licensing act to pay the reasonable costs of the investigation and enforcement of the case.

9. California Code of Regulations, section 1396.1, provides that:

"It is recognized that a psychologist's effectiveness depends upon his or her ability to maintain sound interpersonal relations, and that temporary or more enduring problems in a psychologist's own personality may interfere with this ability and distort his or her appraisals of others. A psychologist shall not knowingly undertake any activity in which temporary or more enduring personal problems in the psychologist's personality integration may result in inferior professional services or harm to a patient or client. If a psychologist is already engaged in such activity when becoming aware of such personal problems, he or she shall seek competent professional assistance to determine whether services to the patient or client should be continued or terminated."

10. Respondent is guilty of unprofessional conduct within the meaning of Code section 2960(i), (j), (k) and (n) and section 2936 as more particularly set forth hereinbelow.

FIRST CAUSE FOR DISCIPLINE

(Violations of Code of Conduct)
[Bus. & Prof. Code §§ 2960(i) and (k)]

Client Laura L.¹

11. In or about October, 1995, Laura L. began therapy with respondent by referral from a friend and through the Cowell Health Center at the University of California at Davis. The therapeutic relationship ended on or about May 22, 1997. Respondent's treatment of Laura L. violated the standards of ethical conduct related to the practice of psychology collectively and specifically in each of the following ways and under each of the specified provisions of the American Psychological Association's Ethical Standards of Psychologists (1992):

(A) Preamble, Principle B: Integrity, states that psychologists avoid improper and potentially harmful dual relationships.

Respondent accepted meals at Ms. L's home in lieu of payment for professional fees. She discouraged Ms. L from seeking support from the Jewish temple but provided the seder plate and attended Passover observances at Ms. L's home. In addition, she used Ms. L. as a sounding board for her own personal conflicts, and engaged

¹ The full names of all clients referred to herein will be provided to respondent upon a timely request for discovery.

1 her to assist in practice building.

2 (B) Ethical Standards, 1.11 Sexual Harassment: "(a) Psychologists do not
3 engage in sexual harassment. Sexual harassment is sexual solicitation, physical advances,
4 or verbal or nonverbal conduct that is sexual in nature, that occurs in connection with the
5 psychologist's activities or roles as a psychologist..."

6 Respondent made comments that Ms. L. had a beautiful upper body. At
7 one time, respondent suggested that if neither were married in ten years that they could
8 become lesbians together. She also discussed other women with her, and her sexual
9 experiences with them. She also asked Ms. L. to pose for her as a model for sculpting.
10 They even began dating the same men through the personals ads in the newspaper.

11 (C) Ethical Standards, 1.17 Multiple Relationships: "(a) Psychologists must
12 always be sensitive to the potential harmful effects of other contacts on their work and on
13 those persons with whom they deal. A psychologist refrains from entering into or
14 promising another personal, scientific, professional, financial, or other relationship with
15 such persons if it appears likely that such a relationship reasonably might impair the
16 psychologist's effectively performing his or her functions as a psychologist, or might harm
17 or exploit the other party."

18 Respondent had Ms. L. perform work on advertising of her professional
19 practice in psychology. She spent significant amounts of time at Ms. L.'s residence and
20 engaged in such activities as asking for advice in cases of other patients/clients and asking
21 for personal advice during actual therapy sessions as well as outside those sessions.
22 During the last month of therapy, weekly dinners were exchanged for therapy sessions.
23 Respondent discussed her need for more patients with Ms. L. and pressured her to
24 introduce her to friends for the purpose of obtaining new patients, and made her feel
25 responsible for making referrals.

26 (D) Ethical Standards, 1.17 Multiple Relationships: "(c) If a psychologist finds
27 that, due to unforeseen factors, a potentially harmful multiple relationship has arisen, the
28 psychologist attempts to resolve it with due regard for the best interests of the affected

1 person and maximal compliance with the Ethics code."

2 Respondent stated to Ms. L. that if she ever told anyone about the things
3 she discussed, or about the relationship they shared outside of therapy, it could endanger
4 her. She asked Ms. L. to promise to keep these things a secret.

5 (E) Ethical Standards, 1.18 Barter (With Patients or Clients): "Psychologists
6 ordinarily refrain from accepting goods, services, or other nonmonetary remuneration from
7 patients or clients in return for psychological services because such arrangements create
8 inherent potential for conflicts, exploitation, and distortion of the professional
9 relationship."

10 Respondent accepted meals prepared by Ms. L. in exchange for extra
11 therapy sessions. Respondent also accepted personal property from Ms. L. such as books
12 on eating disorders and other gifts of significant value.

13 (F) Ethical Standards, 4.09 Terminating the Professional Relationship: "(b)
14 Psychologists terminate a professional relationship when it becomes reasonably clear that
15 the patient or client no longer needs the service, is not benefitting, or is being harmed by
16 continued service."

17 In May of 1997, Ms. L. voiced her confusion and pain about respondent's
18 behavior and on her inability to simply stay in her role as a therapist. Respondent led her
19 to believe that it would be dangerous if she left the therapeutic relationship. Respondent
20 stated that she "was the best therapist in town," and told her, "Laura, I love you very
21 much."

22 (G) Ethical Standards, 4.09 Terminating the Professional Relationship: "(c)
23 Prior to termination for whatever reason, except where precluded by the patient's or
24 client's conduct, the psychologist discusses the patient's or client's views and needs,
25 provides appropriate pretermination counseling, suggests alternative service providers as
26 appropriate, and takes other reasonable steps to facilitate transfer of responsibility to
27 another provider if the patient or client needs one immediately."

28 Ms. L. ended therapy by leaving a message on respondent's answering

1 machine where she asked her not to ever call. After this, respondent called her two times.
2 The first was "nasty and mean." A few minutes later, respondent called back crying
3 hysterically asking Ms. L. to keep her promise not to talk about the things she had
4 confided in her. Respondent offered to pay for therapy to deal with their relationship,
5 stating that she was willing to do the necessary work to remain connected.

6 (H) Ethical Standards, 5.04 Maintenance of Records: "Psychologists maintain
7 appropriate confidentiality in creating, storing, accessing, transferring, and disposing of
8 records under their control, whether these are written, automated, or in any other medium."
9 Respondent kept session notes on a computer. She reports that sometimes it made funny
10 noises. At those times she would make some written notes. Apparently the electronic
11 notes have all been lost. It would have been prudent to take steps necessary to correct the
12 computer problems prior to them being "lost."

13 (I) Ethical Standards, 8.01 Familiarity with Ethics Code: "Psychologists have
14 an obligation to be familiar with the Ethics Code, other applicable ethics codes, and their
15 application to psychologists' work. Lack of awareness or misunderstanding of an ethical
16 standard is not itself a defense to a charge of unethical conduct." Respondent engaged in
17 behavior with Ms. L that was an extreme departure from the standard of care in several
18 ways. The very fact that she engaged in this behavior suggests a lack of familiarity with
19 the Ethics Code.

20 12. Respondent's conduct as set forth in paragraphs 11(A) through 11(I)
21 constitutes unprofessional conduct within the meaning of Code sections 2960(i), 2960(k), and
22 2936.

23 **SECOND CAUSE FOR DISCIPLINE**
24 (Gross Negligence)
[Bus. & Prof. Code § 2960(j)]

25 13. Complainant realleges paragraphs 11 and 11(A) through 11(I) as if fully set
26 forth herein.

27 14. Respondent's conduct as alleged in paragraphs 11, 11(A) through 11(I)
28 above collectively and as to each specific paragraph constitutes gross negligence within the

1 meaning of section 2960(j) of the Code and is unprofessional conduct.

2 **THIRD CAUSE FOR DISCIPLINE**

3 (Repeated Acts of Negligence)

4 [Bus. & Prof. Code § 2960(n)]

5 15. Complainant realleges paragraphs 11, 11(A) through 11(I) above as if fully
6 set forth herein.

7 16. Respondent's conduct as alleged in paragraphs 11, and 11(A) through 11(I)
8 above constitutes repeated acts of negligence within the meaning of section 2960(n) of the Code
9 and is unprofessional conduct.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 (Violating Provisions of Regulation)

12 [Bus. & Prof. Code § 2960(k); Code of Reg. § 1396.1]

13 17. Complainant realleges paragraphs 11, 11(A) through 11(I) above as if fully
14 set forth herein.

15 18. During her treatment of Laura L., respondent knowingly treated Ms. L.
16 while respondent's own temporary or more enduring personal problems resulted in inferior
17 professional services and harm to Ms. L.

18 19. Respondent's conduct as alleged in paragraphs 17 and 18 above constitutes
19 unprofessional conduct within the meaning of section 2960(k) of the Code.

20 **PRAYER**

21 WHEREFORE complainant requests that a hearing be held on the matters herein
22 alleged and that, following the hearing, the Board of Psychology issue a decision:

23 1. Revoking or suspending Psychology License Number PSY-14098 issued to
24 Aimee N. Lubell, Ph.D.

25 2. Ordering Aimee N. Lubell, Ph.D. to pay the Board of Psychology the
26 reasonable costs of the investigation and enforcement of this case and, if placed on probation, the
27 costs of probation monitoring; and


28 //

//

//

3. Taking such other and further action as the Board of Psychology may deem necessary or proper.

DATED: April 6, 2001


THOMAS S. O'CONNOR
Executive Officer
Board of Psychology
Department of Consumer Affairs
State of California

Complainant

(mms) c:\dat\dag-miller\lubell-acc